

TRAXLER-MCCAULEY-LAW-BOWMAN BINGO ACT (EXCERPT)
Act 382 of 1972

432.103 Definitions; E to V.

Sec. 3. As used in this act:

(a) "Educational organization" means an organization within this state that is organized not for pecuniary profit, whose primary purpose is educational in nature and designed to develop the capabilities of individuals by instruction in any public or private elementary or secondary school that complies with the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or any private or public college or university that is organized not for pecuniary profit and that is approved by the state board of education.

(b) "Fraternal organization" means an organization within this state, other than a college fraternity or sorority, that meets all of the following criteria:

(i) Is organized not for pecuniary profit.

(ii) Is a branch, lodge, or chapter of a national or state organization or, only for the purpose of conducting a small raffle or a large raffle under this act, if not a branch, lodge, or chapter of a national or state organization, is exempt from taxation under section 501(c) of the internal revenue code of 1986, 26 USC 501.

(iii) Exists for the common purpose, brotherhood, or other interests of its members.

(c) "Licensee" means a person or qualified organization licensed under this act.

(d) "Member" means an individual who qualified for membership in a qualified organization under its bylaws, articles of incorporation, charter, rules, or other written statement.

(e) "Michigan national guard" and "military" mean those terms as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

(f) "Person" means a natural person, firm, association, corporation, or other legal entity.

(g) "Qualified organization" means, subject to subdivision (h), either of the following:

(i) A bona fide religious, educational, service, senior citizens, fraternal, or veterans' organization that operates without profit to its members and that either has been in existence continuously as an organization for a period of 5 years or is exempt from taxation under section 501(c) of the internal revenue code of 1986, 26 USC 501.

(ii) Only for the purpose of conducting a small raffle or a large raffle under this act, a component of the military or the Michigan national guard whose members are in active service or active state service.

(h) "Qualified organization" does not include a candidate committee, political committee, political party committee, ballot question committee, independent committee, or any other committee as defined by, and organized under, the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282.

(i) "Religious organization" means any of the following:

(i) An organization, church, body of communicants, or group that is organized not for pecuniary profit and that gathers in common membership for mutual support and edification in piety, worship, and religious observances.

(ii) A society of individuals that is organized not for pecuniary profit and that unites for religious purposes at a definite place.

(iii) A church related private school that is organized not for pecuniary profit.

(j) "Senior citizens organization" means an organization within this state that is organized not for pecuniary profit, that consists of at least 15 members who are 60 years of age or older, and that exists for their mutual support and for the advancement of the causes of elderly or retired persons.

(k) "Service organization" means either of the following:

(i) A branch, lodge, or chapter of a national or state organization that is organized not for pecuniary profit and that is authorized by its written constitution, charter, articles of incorporation, or bylaws to engage in a fraternal, civic, or service purpose within the state.

(ii) A local civic organization that is organized not for pecuniary profit; that is not affiliated with a state or national organization; that is recognized by resolution adopted by the local governmental subdivision in which the organization conducts its principal activities; whose constitution, charter, articles of incorporation, or bylaws contain a provision for the perpetuation of the organization as a nonprofit organization; whose entire assets are used for charitable purposes; and whose constitution, charter, articles of incorporation, or bylaws contain a provision that all assets, real property, and personal property shall revert to the benefit of the local governmental subdivision that granted the resolution upon dissolution of the organization.

(l) "Veterans' organization" means an organization within this state, or a branch, lodge, or chapter within this state of a state organization or of a national organization chartered by the congress of the United States, that is organized not for pecuniary profit, the membership of which consists of individuals who were members of the armed services or armed forces of the United States. Veterans' organization includes an auxiliary of a

veterans' organization that is a national organization chartered by the congress of the United States.

History: 1972, Act 382, Eff. Apr. 1, 1973;—Am. 1973, Act 34, Imd. Eff. June 21, 1973;—Am. 1976, Act 22, Imd. Eff. Feb. 27, 1976;—Am. 1981, Act 229, Imd. Eff. Jan. 12, 1982;—Am. 1995, Act 275, Imd. Eff. Jan. 8, 1996;—Am. 2006, Act 427, Imd. Eff. Oct. 5, 2006;—Am. 2008, Act 401, Imd. Eff. Jan. 6, 2009;—Am. 2009, Act 41, Imd. Eff. June 18, 2009;—Am. 2012, Act 189, Imd. Eff. June 20, 2012.

Compiler's note: Act 118 of 1994, which was approved by the governor and filed with the secretary of state on May 12, 1994, provided for the amendment of Secs. 3 and 7a of Act 382 of 1972, known as the Traxler-McCauley-Law-Bowman Bingo Act, such amendments to be effective April 1, 1995. On January 31, 1995, a petition seeking a referendum on Act 118 of 1994 was filed with the secretary of state. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 118 of 1994 was presented to the electors at the November 1996 general election as Proposal A, which read as follows:

"Public Act 118 of 1994 would:

1) Change the definition of a qualified organization which is permitted to sponsor certain forms of gaming, including bingo, millionaire parties, and raffles, so that an organization which is organized under the Michigan Campaign Finance Act, including a candidate committee, political committee, political party committee, ballot question committee, or independent committee, is no longer qualified to receive a license to sponsor such gaming.

2) Permit a change in the single maximum prize or payout for a charity game sold by a licensed religious, educational, service, senior citizens, fraternal or veterans organization.

Should this law be approved?

Yes ☐

No ☐

Act 118 of 1994 was rejected by a majority of the electors voting thereon at the November 1996 general election.

Act 275 of 1995, which was approved by the governor on January 7, 1996, and filed with the secretary of state on January 8, 1996, provided for the amendment of Sec. 3 of Act 382 of 1972, as amended by Act 118 of 1994.

In Reynolds v Martin, 240 Mich App 84, 610 NW2d 597 (No. 210973)(2000), the Court of Appeals stated that the primary question raised in this appeal from the Barry County Circuit Court's decision granting declaratory relief to defendants is whether, under the constitutional provisions governing referendums, "the Legislature was without authority to pass 1995 PA 275 and thus reenact the provisions of 1994 PA 118, which was then subject to a referendum effort." The court concluded "that the Legislature had this authority and that, in exercising it, the Legislature did not undermine the referendum authority granted to the people by our constitution."

For transfer of the Bureau of State Lottery from the Department of Management and Budget to be an autonomous entity within the Department of Treasury, see E.R.O. No. 1991-2, compiled at MCL 12.161 of the Michigan Compiled Laws.

For transfer of powers and duties of lottery commissioner and bureau of state lottery related to licensing and regulation of millionaire parties under bingo act to executive director of Michigan gaming control board, see E.R.O. No. 2012-3, compiled at MCL 432.91.

Popular name: Bingo Act